



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,189	11/18/2003	Dwayne Need	MS 305612.01/60001.316US0	6229
7590 Robert A. Kalinsky Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903			EXAMINER SALOMON, PHENUEL S	
			ART UNIT 2109	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/717,189	Applicant(s) NEED ET AL.	
	Examiner Phenuel S. Salomon	Art Unit 2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/18/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/05 & 4/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the original filing of November 18, 2003. Claims 1-17 are pending and have been considered below.

Objections

2. ~~Claim 17 is objected to under 37 CFR 1.75(c), as being of improper dependent~~
form for failing to further limit the subject matter of a previous claim. The Office considers any claim, which refers to another claim as being a dependent claim. Claim 17 refers to Claim 12 and, thus, is considered to depend thereon. However, Claim 12 is a method claim, which consists of the steps of receiving, passing, looking up, and invoking input. Claim 17 does not include any limitations, which add, delete or change any of these steps. Therefore, Claim 17 fails to further limit its parent claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

3. The disclosure is objected to because of the following informalities: the examiner notes the use of acronym: "LCD" in the specification without including a description in plain text, as required. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Art Unit: 2109

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 8-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim defines a data structure as comprising only a binding table and does not support data manipulation functions. Therefore, the data structure is a mere arrangement of data and is non-functional descriptive material and non-statutory.

6. Claims 8-11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 8-11 are not limited to tangible embodiments. In view of Applicant's disclosure, specification page 6, lines 8 - 11, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., CD-ROM discs, ROM cards, floppy discs, magnetic tapes, computer hard drives) and intangible embodiments (e.g., signals transmitted over a network representing computer readable program code). As such, the claims are not limited to statutory subject matter and therefore are non-statutory.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(b) that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Friedman (US 6,167,455).

Claims 1,12 and 17 Friedman discloses a commanding system and a method for a computer, comprising:

Art Unit: 2109

a memory storing an input module that accepts a plurality of input sequences across multiple input device categories, and a commanding element having a binding table that connects input to associated action, at least one binding entry in the binding table including sub-command bindings associated with the plurality of input sequences across multiple input device categories (col. 4, lines 66-67, col. 5, lines 1-7, 25-54 and fig. 1a); and

a processor in data communication with the storage facility, the processor programmed to:

receive the input at the input module (col. 4, lines 66-67 and col. 5, lines 1-7, 25-54); pass the input to the commanding element, the commanding element looking up a matching sub-command binding associated with the input in the binding table (col. 4, lines 66-67 and col. 5, lines 1-7, 25-54); and

invoke action connected with the input if the matching sub-command binding is found in the binding table (col. 4, lines 66-67 and col. 5, lines 1-7, 25-54).

Claims 2 and 13 Friedman discloses a system and method as in claims 1 and 12 above, wherein at least two of the plurality of input sequences from the multiple input devices are selected from the group consisting of a keyboard, mouse, pen, and microphone (col. 3, lines 39-41).

Claims 3 and 14 Friedman discloses a system and method as in claims 1 and 12 above, wherein the listing of the command bindings includes entries for a keyboard, a mouse, a pen, and a microphone (col. 4, lines 29-39).

Claims 4 and 15 Friedman discloses a system and method as in claims 1 and 12 above, wherein the processor is further programmed to:

traverse the binding table (col. 7, lines 15-28); and

report a command associated with each binding entry of the binding table (col. 7, lines 15-28).

Art Unit: 2109

Claim 5. Friedman discloses a system as in claim 1 above wherein the commanding element is in a control level (col.1, lines 20-46)

Claim 6. Friedman discloses a system as in claim 1 above wherein the commanding element is in an application level (col. 1, lines 48-57 and fig. 1a).

Claims 7 and 16. Friedman discloses a system and method as in claims 1 and 12 above, wherein the memory further comprises a second commanding element having a second binding table that connects input to associated action, at least one binding entry in the second binding table including sub-command bindings associated with the plurality of input sequences across multiple input device categories, and wherein the processor is further programmed to (see fig. 1a):

tunnel the input to the second commanding element, the second commanding element looking up the matching sub-command binding associated with the input in the second binding table (col. 7, lines 15-28); and

invoke action connected with the input if the matching sub-command binding is found in the second binding table (col. 7, lines 15-28).

Claim 8. Friedman discloses a computer readable medium having data structure stored thereon for use in commanding within a computing environment, the data structure comprising:

a first binding table for a first commanding element, the first binding table including a plurality of first binding entries, each binding entry of the plurality of first binding entries including a command binding, a command, and a handler;

wherein at least a first command binding of one binding entry of the plurality of first bindings entries includes a plurality of sub-command bindings associated with a plurality of input sequences generated across multiple input device categories (col. 4, lines 40-55 and fig.1a).

Art Unit: 2109

Claim 9. Friedman discloses a computer readable medium as defined in claim 8 above, wherein the first command binding includes sub-command bindings for the multiple device categories including a keyboard, a mouse, a pen, and a microphone (col. 4, lines 29-39).

Claim 10. Friedman discloses a computer readable medium as defined in claim 8 above, wherein the first binding table further includes a second binding entry, the second binding entry including only a command (col.6, lines 8-23).

Claim 11. Friedman discloses a computer readable medium as defined by claim 8 above, wherein the first binding table further includes a second binding entry, the second binding entry including an additional property (col.8, lines 18-32).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Dysart et al. (US 4,953,080) discloses object management facility for maintaining data in a computer system.

b. Stapel et al. (US 2002/0087571 A1) discloses a system and method for dynamic generation of structured documents.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phenuel S. Salomon whose telephone number is (571) 270-1699. The examiner can normally be reached on Mon-Fri 7:00 A.M. to 4:00 P.M.(Alternate Friday Off) EST.

Art Unit: 2109

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571) 270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PSS
1/17/2007


James W. Myhre
Supervisory Primary Examiner